

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Oct 10, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGAR HERRERA FARIAS (16), AND  
MIGUEL REYES GARCIA (21),

Defendants.

No. 4:15-CR-06049-EFS

**ORDER GRANTING MOTION FOR  
SHACKLING**

A trial in the present matter will be held on October 10, 2018. On October 9, 2018, the Government filed a Motion for Shackling of Defendants at Trial. ECF No. 985. The Government has requested to restrain Defendants Edgar Herrera Farias and Miguel Reyes Garcia by using leg shackles throughout the duration of the trial to ensure courtroom security. *Id.* The U.S. Marshals Service (USMS) also believes that security risks exist because of the number of Defendants and other individuals who will be present in the courtroom. *Id.*

The Court finds that there is a compelling government interest in ensuring the safety of all individuals in the courtroom during trial, including defendants, counsel, jurors, spectators, and courthouse staff. Furthermore, both in-custody defendants are facing a mandatory minimum sentence of ten years' imprisonment.

1 See ECF No. 105. Due to the security risks that are presented by the large number  
2 of defendants, other individuals who may be present in the courtroom, and the  
3 nature of the charges in this case, the Court finds that using leg shackles is the least  
4 restrictive means possible for accomplishing the Court's compelling interest in the  
5 safety of all persons inside the courtroom. *See Duckett v. Godinez*, 67 F.3d 734, 748  
6 (9th Cir. 1995).

7 The Court has placed skirts along the edges of counsel tables to prevent the  
8 jury from seeing the shackles, thereby eliminating the possibility of juror bias and  
9 preserving the presumption of innocence. *See United States v. Cazares*, 788 F.3d 956,  
10 965 (9th Cir. 2015). The Court further finds that the Defendants' mental ability and  
11 ability to communicate with counsel will not be impaired by the shackles. *See id.* Any  
12 prejudice to the Defendants' rights is limited and justified by the compelling security  
13 interests at stake.

14 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and  
15 provide copies to all counsel.

16 **DATED** this 10<sup>th</sup> day of October 2018.

17  
18 s/Edward F. Shea  
EDWARD F. SHEA  
19 Senior United States District Judge  
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